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4			
5	Attorneys for Defendant Pacific Ethanol, Inc.	c.	
6			
7	UNITED STATES DISTRICT COURT		
8	EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION		
9			
0	GS CLEANTECH CORPORATION,	) Case No.: 2:13-CV-01042-JAM-AC	
1	Plaintiff, vs.	) PARTIES' JOINT MOTION TO EXTEND ) DEADLINE AND ORDER	
12	PACIFIC ETHANOL, INC.,	) ) Judge John A. Mendez	
13	Defendant.	) )	
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6	COME NOW the parties in the above-captioned matter, GS Cleantech Corporation ("GS")		
17	and Pacific Ethanol, Inc. ("PEI") (together, the "Parties"), and submit this joint motion to extend the		
18	November 22, 2013 deadline for the parties	to exchange claim terms and claim elements for	
9	construction, and in support thereof state as	follows:	
20	1. The deadline for the Parties t	o exchange claim terms and claim elements for	
21	construction is November 22, 2013.		
22	2. On August 29, 2013, this cas	e was the subject of a Conditional Transfer Order	
23	(CTO-3) issued by the United State Judicial Panel on Multidistrict Litigation (the "Panel"),		
24	conditionally transferring this case to MDL	in the Southern District of Indiana for coordinated	
25	pretrial proceedings. PEI thereafter filed an	Objection to the transfer. The Panel is scheduled to	
26	consider that Objection on December 5, 2013. The Parties herein therefore move this Court for the		
27	above extension until the Panel has determined whether this case will proceed in this District or in		
28	the Southern District of Indiana.		
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1	3. The Parties will inform this Court of the Panel's transfer decision as soon as they
2	receive notice. If the Panel denies transfer to the MDL, the Parties and this Court can reset this and
3	any related deadlines as appropriate. If the Panel denies the Objection and transfers the case, the
4	current deadlines in this District will become moot.
5	WHEREFORE, the Parties herein jointly move this Court for an extension of the
6	November 22, 2013 deadline to exchange claim terms and claim elements for construction until
7	after the Panel rules on whether this case will be transferred to the MDL in the Southern District of
8	Indiana, and will inform this Court of the MDL Panel's decision as soon as they are informed of it.
9	Date: November 22, 2013
10	Respectfully submitted,
11	Respectfully submitted,
12	By:/s/ Michael A. Dee
13	Michael A. Dee (AT0002043) Camille L. Urban (AT0008024)
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25	PACIFIC ETHANOL, INC.
23 26	
20 27	
28	

## Case 1:13-cv-08018-LJM-DML Document 26 Filed 11/25/13 Page 3 of 4 PageID #: 164

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15	ATTORNEYS FOR PLAINTIFF
16	GS CLEANTECH CORPORATION
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18	CERTIFICATE OF SERVICE
19	
20	I hereby certify that on the 22 <sup>nd</sup> day of November, 2013, a copy of this Motion was served
21	on all interested parties through the Court's electronic filing system.
22	
23	_/s/ Maralee Eriksen
24	Maralee Eriksen
25	
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28	

**ORDER** The Court having read and considered the Parties' Joint Motion to Extend Deadline, and good cause appearing, IT IS THEREFORE ORDERED that the November 22, 2013 deadline to exchange claim terms and claim elements for construction is extended until after the Panel rules on whether this case will be transferred to the MDL in the Southern District of Indiana. The Parties will inform this Court of the MDL Panel's decision as soon as they are informed of it. Dated: 11/22/2013 /s/ John A. Mendez\_ JUDGE OF THE U.S. DISTRICT COURT